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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/781,127

02/18/2004

Hobart DeHart

REEL:0020--1/YOD/GRA
00RE

3096

7590

08/14/2006

Alexander Gerasimow, Allen-Bradley Company
Patent Dept., 704P Floor 8 T29
1201 South Second Street
Milwaukee, WI 53204

EXAMINER

PHAN, THIEM D

ART UNIT	PAPER NUMBER
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3729

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/781,127

Applicant(s)

DEHART, HOBART

Examiner

Tim Phan

Art Unit

3729

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


**A. DEXTER TUGBANG
PRIMARY EXAMINER**

Continuation of 11:

Applicants' remarks filed on 7/31/06 re-traversing the rejections of Claims 1-3 and 5-13 are hold not to be persuasive for the following reasons:

Applicants assert that Anderson does teach all the limitations of the method of inserting windings provided in the Specification/Drawings (Remarks; Section: "Rejections Under 35 USC 102", page 6), which are different from the one of the claimed invention then assert that "the leads, in the context of the present application, are only separated after the windings are inserted into the slots of the stator." (Remarks, page 7, 2nd paragraph). It appears that applicants try to compare the Specification of the prior art against the one of the claimed invention. The examiner would like to emphasize that the claimed limitations are read in light of the specification only, see *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993), while the applicants insist that Anderson does not teach the leads extending from the windings, the gathering of the leads into the bundle and the driving of the lead separator through the stator leads (Remarks, page 7 3rd paragraph - page 8), therefore Anderson does indeed teach all these claimed limitations in light of the specification, as stated in the previous action.

It also appears that applicants fail to recognize the scope of the claims when judged in view of Anderson. (See MPEP 2111 and *In re Geuns*, 26 USPQ 2nd 1057 (Fed. Cir. 1993)).

With respect to the applicants' remarks concerning 35 USC 103 Rejections (Remarks, page 9, top half section), Anderson does teach or suggest the claimed invention and the examiner's position, as stated in the previous action, will continue to be that: Claims 1-3 and 5-13 stand rejected as carefully articulated in the previous Action and incorporated herein and made a part hereof the current Action and in Responses to Remarks in paragraph above.

With respect to the applicants' remarks concerning the examiner's Response to Arguments (Remarks, page 9, bottom half section), the examiner believes that the claims 23-31 (as filed on 5/23/06 in the Final Action, page 6 -section 8) are typographical error, they should be Claims 2, 3 and 5-13, which are rejected in the Final Action (Pages 3-5). Further the applicants urge that the examiner applies the same reference and statutory sections of the First Office Action to make the following Office Action Final with a new ground(s) of rejection as the applicants amend the rejected claims (Remarks, page 9, last paragraph), which is exactly required by the MPEP. Applicants' counsel is invited to visit MPEP, Section 706.07.